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DATE FILED: 05/25/2023

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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AUGUST IMAGE, LLC,	:	
	:	
Plaintiff,	:	
	:	
-against-	:	23-CV-1772 (VEC)
	:	
ONE THIRTY BPM LLC,	:	<u>ORDER</u>
	:	
Defendant.	:	
-----X		

VALERIE CAPRONI, District Judge:

WHEREAS Plaintiff has filed proof of service as to the Defendant, Dkt. 8;

WHEREAS the deadline for the Defendant to answer or otherwise respond to the Complaint has elapsed, and the Defendant has neither appeared nor answered, *id*;

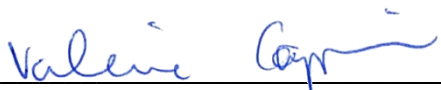
WHEREAS pursuant to the Court's order at Dkt. 5, Plaintiff was required to "move for a default judgment against [the] Defendant in accordance with this Court's Individual Practices no later than 45 days after the date of the service of the Complaint" if the Defendant failed timely to appear or respond to the Complaint; and

WHEREAS Plaintiff has filed for a Clerk's Certificate of Default, Dkts. 9–12, but failed timely to move for default judgment pursuant to Rule 4(I) of the Undersigned's Individual Practices in Civil Cases.

IT IS HEREBY ORDERED that Plaintiff must move for an order to show cause why default judgment should not be entered against all Defendants, in accordance with this Court's Individual Practices, by no later than **May 31, 2023**, or otherwise show cause why the case should not be dismissed for failure to prosecute.

**SO ORDERED.**

**Date: May 25, 2023**  
**New York, NY**

  
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**VALERIE CAPRONI**  
**United States District Judge**